

Serial No. 09/960,359
Amdt. dated **November 23, 2004**
Reply to Office Action of August 23, 2004

Docket No. K-0262

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-26 are pending in the present application. Claims 1, 14 and 20 have been amended and claims 21-26 have been added by the present amendment.

In the outstanding Office Action, claim 20 was objected to; claims 1-4 and 10-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Agrawal et al. in view of Widegren et al.; claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Agrawal et al. in view of Widegren et al. and Lopez-Torres; and claims 5-9 and 18 were indicated as allowable if rewritten in independent form.

Applicant thanks the Examiner for the indication of allowable subject matter. In light of this indication, new claims 21-26 have been added. In particular, new claim 21 is dependent claim 5 rewritten in independent form and new claim 26 is dependent claim 18 rewritten in independent form.

Regarding the objection to claim 20, the Office Action indicates the abbreviation "BTS" should be "BST." However, it is respectfully noted the abbreviation "BTS" stands for Base Transceiver Station. Accordingly, independent claim 20 has been amended to reflect this abbreviation. The specification has also been similarly amended.

Claims 1-4 and 10-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Agrawal et al. in view of Widegren et al. This rejection is respectfully traversed.

Amended claim 1 is directed to a method for setting up a real time data call in a mobile communication system including transferring bearer information between an origination base station controller (BSC) and a termination BSC through a set up call to set up a bearer path between the origination and termination BSC using control paths between the origination BSC, the termination BSC and a mobile switching center (MSC) controlling the origination and termination BSCs. The method also includes transferring real time video data of at least one of the origination side mobile station and the termination side mobile station between the origination BSC and the termination BSC through the set up bearer path without using traffic resources of the MSC. Independent claim 14 includes similar features in a varying scope.

The features in which the bearer information is transferred between the origination termination BSCs through the bearer path set up between the origination and termination BSCs using control paths between the origination BSC, the termination BSC and the MSC is supported in the specification at least at page 11, paragraph [33], at page 12, paragraph [35] and at page 13, paragraph [37], for example. As noted in the last line of paragraph [33], although control paths between the origination BSC, the termination BSC and the MSC are maintained, no traffic path is set up. This feature is also discussed in the last line at

paragraph [36]. Thus, according to the present invention, by using a direct path between the origination BSC and the termination BSC, traffic resources of the MSC are prevented from being wasted, and use of the complex multiple 64kbps resources is avoided (see page 16, paragraph [44]).

The Office Action recognizes Agrawal et al. differs from the claimed invention in not specifically teaching transferring real time video data between the origination BSC and the termination BSC through the set up bearer path, and relies on Widegren et al. as teaching this feature. However, it is respectfully noted Widegren et al. does not teach or suggest transferring bearer information between the origination and termination BSCs using control paths and then transferring the real time video data without using traffic resources of the MSC.

Rather, as shown in Fig. 1, for example, Widegren et al. shows the base station 23 and base station subsystem 22 being connected to the MSC 18. Thus, with reference to Fig. 1 of Widegren et al., it can be seen that any real time data transmitted from the mobile station 30 to another mobile station would use traffic resources of the MSC 18, which is similar to the related art of the present invention. Further, combining Widegren et al. with Agrawal et al. still does not teach or suggest the claimed invention. That is, if Widegren et al. was combined with Agrawal et al., there is still no teaching or suggestion about transferring the bearer information through control paths between the origination BSC, the termination BSC

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and the MSC, and then transferring the real time video data through the setup bearer pass without using traffic resources of the MSC.

Accordingly, it is respectfully submitted independent claims 1 and 14 and each of the claims depending therefrom are allowable.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Agrawal et al. in view of Widegren et al and Lopez-Torres. This rejection is respectfully traversed.

Amended independent claim 20 includes similar features in a varying scope as that discussed above with respect to amended independent claims 1 and 14. Further, it is respectfully submitted Lopez-Torres does not teach or suggest the claimed features recited in independent claim 20. Accordingly, it is respectfully requested this rejection also be withdrawn.

The specification has also been amended to correct minor obvious informalities. It is believed no new matter has been added.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the

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application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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